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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

YUAN XIE,

Defendant.

Case No. 6:20-cr-00218-MC

PLEA PETITION

The defendant represents to the court:

1. My name is Yuan Xie. I am 29 years old. I completed high school in China. I am in my second year of college studying English. I am able to read and write in English but I appreciate the support of a Chinese language interpreter in these important matters.
2. My attorney is Laura A. Fine.
3. My attorney I have discussed my case fully and we reviewed this Plea Petition together. I received a copy of the Information. I reviewed it with my attorney and she advised me concerning the nature of the charge, any lesser included offenses and the possible defenses I may have in this case.

I understand that I am charged in Count 1 of the Indictment, with:

Conspiracy to smuggle wildlife from the United States.

I further understand that there is a Forfeiture Allegation of wildlife. I stipulate

Page 1 -PLEA PETITION - *Yuan Xie*

1 to this allegation and I have already released the wildlife to the authorities.
2 I have been advised and understand I am pleading "GUILTY" to Count 1
3 contained in the Indictment, as stated above, and as described in paragraph 3 of
4 the US Attorney's Plea Letter.

5 4. I know that if I plead "GUILTY," I will have to answer any questions that the
6 judge asks me about the offense to which I am pleading guilty. I also know that
7 if I answer falsely, under oath, and in the presence of my attorney, my answers
8 could be used against me in a prosecution for perjury or false statement.

9 5. I am not under the influence of alcohol or drugs. I am not suffering from any
10 injury, illness or disability affecting my thinking or my ability to reason.

11 6. I understand that conviction of a crime can result in consequences in addition to
12 imprisonment. Such consequences include deportation, or removal from the
13 United States, or denial of naturalization, if I am not a United States citizen;
14 loss of eligibility to receive federal benefits; loss of certain civil rights (which
15 may be temporary or permanent depending on applicable state or federal law),
16 such as the right to vote, to hold public office, and to possess a firearm; and loss
17 of the privilege to engage in certain occupations licensed by the state or federal
18 government.

19 7. I know that I may plead NOT GUILTY to any crime charged against me and
20 that I may persist in that plea if it has already been made. I know that if I plead
21 NOT GUILTY the Constitution guarantees me:

22 a. The right to a speedy and public trial by jury, during which I will be
23 presumed to be innocent unless and until I am proven guilty by the
24 government beyond a reasonable doubt and by the unanimous vote of twelve
25 jurors;

- 1 b. The right to have the assistance of an attorney at all stages of the
2 proceedings;
3 c. The right to use the power and process of the court to compel the
4 production of evidence, including the attendance of witnesses in my
5 favor;
6 d. The right to see, hear, confront, and cross-examine all witnesses called to
7 testify against me;
8 e. The right to decide for myself whether to take the witness stand and
9 testify, and if I decide not to take the witness stand, I understand that no
10 inference of guilt may be drawn from this decision; and
11 f. The right not to be compelled to incriminate myself.
12 8. I know that if I plead "GUILTY" there will be no trial before either a judge or a
13 jury, and that I will not be able to appeal from the judge's denial of any pretrial
14 motions I may have filed concerning matters or issues not related to the court's
15 jurisdiction.
16 9. In this case I am pleading "GUILTY" under Rule 11 (c) (1) (B) pursuant
17 to a plea agreement. My attorney has explained the effect of my plea under
18 Rule 11 to be as follows:
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20 The government will recommend a particular sentence or guideline
21 range, pursuant to the Plea Offer Letter which is attached hereto. Any
22 such recommendation is not binding on the court.
23 I understand that the court will decide the sentence in the case.
24 10. **Maximum Penalties:** I know that the maximum sentence which can be
25 imposed upon me is five years in prison, a fine of \$250,000, three years of
26 supervised release and a \$100 fee assessment.
11. I know that the judge, in addition to any other penalty, will order a special

1 assessment as provided by law in the amount of \$100 per count of conviction.

2 12. I know that if I am ordered to pay a fine, and I willfully refuse to pay that fine, I
3 can be returned to court, where the amount of the unpaid balance owed on the
4 fine can be substantially increased by the judge and I can be imprisoned for up
5 to one year.

6 13. My attorney Laura A. Fine has discussed with me the Federal Sentencing
7 Guidelines. I know that under the Federal Sentencing Guidelines, the sentencing
8 judge will ordinarily select a sentence from within the guideline range. If,
9 however, a case presents unusual facts or other circumstances, the law permits
10 the judge to depart from the guidelines and impose a sentence either above or
11 below the guideline range. Although most sentences will be imposed within the
12 guideline range, I know that there is no guarantee that my sentence will be
13 within the guideline range. If my attorney or any other person has calculated a
14 guideline range for me, I know that this is only a prediction and that it is the
15 judge who makes the final decision as to what the guideline range is and what
16 sentence will be imposed. I also know that a judge may not impose a sentence
17 greater than the maximum sentence referred to in paragraph (10) above.

18 14. I know from discussion with my attorney that, under the Federal Sentencing
19 Guidelines, if I am sentenced to prison I am not entitled to parole. I will have to
20 serve the full sentence imposed except for any credit for good behavior that I
21 earn. I can earn credit for good behavior in prison at a rate of up to 54 days for
22 each year of imprisonment served. Credit for good behavior does not apply to
23 sentence of one year or less.

24 15. I know that if I am sentenced to prison, the judge will impose a term of
25 supervised release to follow the prison sentence. During my supervised release
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1 term I will be supervised by a probation officer according to terms and
2 conditions set by the judge. In my case, a term of supervised release can be is at
3 least five years.

4 16. I know that in addition to or in lieu of any other penalty, the judge can order
5 restitution payments to any victim of any offense to which I plead guilty. I am
6 also informed that, for certain crimes of violence and crimes involving fraud or
7 deceit, it is mandatory that the judge impose restitution in the full amount of any
8 financial loss or harm caused by an offense. If imposed, the victim can use the
9 order of restitution to obtain a civil judgment lien. A restitution order can be
10 enforced by the United States for up to twenty (20) years from the date of my
11 release from imprisonment, or, if I am not imprisoned, twenty (20) years from
12 the date of the entry of judgment. If I willfully refuse to pay restitution as
13 ordered, a judge may re-sentence me to any sentence which could originally
14 have been imposed.

15 17. On any fine or restitution in an amount of \$2,500 or more, I know that I will be
16 required to pay interest unless that fine or restitution is paid within fifteen (15)
17 days from the date of the entry of judgment.

18 18. If I am on probation, parole, or supervised release in any other state or federal
19 case, I know that by pleading guilty in this court my probation, parole or
20 supervised release may be revoked and I may be required to serve time in that
21 case, which may be consecutive, that is, in addition to any sentence imposed on
22 me in this court.

23 19. If I have another case pending in any state or federal court, I know that my
24 Petition and Plea Agreement in this case do not, in the absence of an express
25 and written agreement, apply to my other case(s), and that I can be faced with
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1 consecutive sentences of imprisonment.

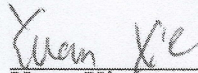
2 20. My plea of "GUILTY" is not the result of force, threat, or intimidation.

3 21. I hereby request that the judge accept my plea of "GUILTY" to Count of the
4 Third Superseding Indictment.

5 22. I know that the judge must be satisfied that a crime occurred and that I
6 committed that crime before my pleas of "GUILTY" can be accepted. With
7 respect to the charges to which I am pleading guilty, I represent that I did
8 knowingly conspire with others to possess methamphetamine with the intent to
9 distribute it to another person in the quantity alleged by the government.

10 23. I offer my plea of "GUILTY" freely and voluntarily and of my own accord and
11 with a full understanding of the allegations set forth in the Third Superseding
12 Indictment and with a full understanding of the statements set forth in this
13 Petition and in the Certificate of my attorney that is attached to this Petition.

14 SIGNED by me in the presence of my attorney, after reading all of the
15 foregoing pages and paragraphs of this Petition on this 21 day of August, 2020.

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17 Yuan Xie

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Page 6 -PLEA PETITION - Yuan Xie

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CERTIFICATE OF COUNSEL

The undersigned, as attorney for defendant, hereby certifies:

1. I have fully explained to the defendant the allegations contained in the Information in this case, any lesser-included offense(s), and the possible defenses which may apply in this case.
2. I have personally examined the attached Petition To Enter Plea of Guilty And Order Entering Plea, explained all its provisions to the defendant, and discussed fully with the defendant all matters described and referred to in the Petition.
3. I have explained to the defendant the maximum penalty and other consequences of entering a plea of guilty and I have also explained to the defendant the applicable Federal Sentencing Guidelines.
4. I recommend that the Court accept the defendant's plea of "GUILTY."

SIGNED by me in the presence of the above-named defendant, and after full discussion with the defendant of the contents of the Petition To Enter Plea of Guilty, and any Plea Agreement, on this 21st day of August, 2020.


Laura A. Fine OSB # 882057
Attorney for Defendant

ORDER ENTERING PLEA

I find that the defendant's pleas of GUILTY have been made freely and voluntarily and not out of ignorance, fear, inadvertence, or coercion. I further find the defendant has admitted facts that prove each of the necessary elements of the crimes to which the defendant has pled guilty

IT IS THEREFORE ORDERED that the defendant's pleas of GUILTY be accepted and entered as requested in this Petition and as recommended in the Certificate of defendant's attorney.

DATED this 6th day of May, 2021,



Judge, U.S. District Court